

**F I L E D****IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA****APR 10 2006****Phil Lombardi, Clerk  
U.S. DISTRICT COURT**

STATE OF OKLAHOMA,

Plaintiff,

v

TYSON FOODS, INC., et al,

Defendants.

Case No. 4:05-cv-00329-TCK-SAJ

**ANSWER TO THIRD PARTY COMPLAINT**

COME NOW the Defendants, Kenneth D. Spencer, Jane T. Spencer and James C. Geiger, individually and d/b/a Spencer Ridge Resort (hereinafter referred to collectively as "Third Party Defendants"), allege and state as follows:

1. Except as expressly admitted herein, Third Party Defendants generally deny each and every allegation contained in the Third Party Complaint.

2. With respect to the allegations contained in Paragraphs 1 through 9, Third Party Defendants deny responsibility for pollution of the Illinois River Watershed ("IRW"). Third Party Defendants are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained therein and demand strict proof thereof.

3. The allegations contained in Paragraphs 19 - 91 and 93-170 are not applicable to these Third Party Defendants. Third Party Defendants are without sufficient knowledge or information to form a belief as to the truth of those allegations and demand strict proof thereof.

4. With respect to the allegations contained in Paragraph 92, Third Party Defendants admit that Kenneth and Jane Spencer own and operate Spencer Ridge Resort. Third Party Defendants further admit that Defendant James C. Geiger owns an interest in the real estate but deny that he is involved in the operation of Spencer Ridge Resort. Third Party Defendants admit that Spencer Ridge Resort's operations, in the past, included rental cabins, grocery store, r.v. hookups, canoe and raft rental and a private septic system. Third Party Defendants deny that Spencer Ridge Resort is currently in operation. Third Party Defendants further deny that Spencer Ridge Resort systematically applies fertilizers and other chemicals to their property. Third Party Defendants deny the remaining allegations contained therein.

5. Third Party Defendants are without sufficient knowledge or information to form belief as to the truth to the allegations contained in Paragraph 171 and demand strict proof thereof.

6. With respect to the allegations contained in Paragraph 172, Third Party Defendants

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☒ C/Ret'd ☐ No Env ☐ No Cpys ☐ No Env/Cpys ☐ O/J ☐ O/MJ

admit that this Court has personal jurisdiction over said Defendants.

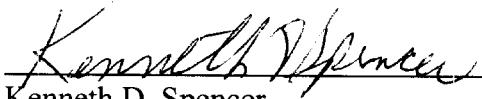
7. Third Party Defendants admit that venue is proper.

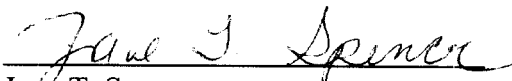
8. Third Party Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraphs 174 - 199 and demand strict proof thereof.

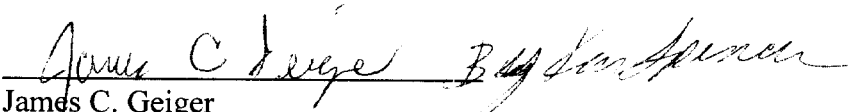
9. Third Party Defendants deny the allegations contained in Paragraphs 200 - 201.

10. Third Party Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraphs 202 - 221 and therefore denies the same and demands strict proof thereof.

11. Third Party Defendants allege that the complaint fails to state a claim upon which relief can be granted against these Defendants.

  
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Jane T. Spencer  
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James C. Geiger  
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